



040904

13281 U.S. PTO

PATENT
Customer Number 22,852
Attorney Docket No. 04853.0059-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

15535 U.S. PTO
10/820820

040904

Prior Application Art Unit: 1635

Prior Application Examiner: K. Lacourciere

SIR: This is a request for filing a

☐ Continuation ☐ Continuation-in-Part ☒ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior Application No. 09/763,590 filed February 26, 2001, of Kazunari TAIRA, Jun OHKAWA, and Shiori KOSEKI for EXPRESSION SYSTEMS FOR FUNCTIONAL NUCLEIC ACID EXPRESSION.

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration, Sequence Listing, and drawings, as originally filed. I hereby verify that the attached papers are a true copy of prior Application No. 09/763,590, as originally filed on February 26, 2001, which is incorporated herein by reference in its entirety.
2. ☒ A Preliminary Amendment is enclosed.
3. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended in the Preliminary Amendment filed herewith.

Basic Application Filing Fee					\$770	\$ 770.00
	Number of Claims		Basic	Extra Claims		
Total Claims	6	-	20	0	x \$18	
Independent Claims	1	-	3	0	x \$86	
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$290	
Subtotal						\$ 770.00
Reduction by ½ if small entity						
TOTAL APPLICATION FILING FEE						\$ 770.00

4. ☒ A check in the amount of \$770.00 to cover the filing fee is enclosed.

5. ☒ The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.

6. ☒ The prior application is assigned of record to: NATIONAL INSTITUTE OF ADVANCED INDUSTRIAL SCIENCE AND TECHNOLOGY, recorded by the U.S.P.T.O. on August 28, 2001, at Reel 012113, Frame 0822.

7. ☒ A Submission of Replacement Drawings, with Figures 1-7 on 7 drawings sheets, is enclosed.

8. ☒ Priority of Application No. 244755/1998, filed in Japan on August 31, 1998, is claimed under 35 U.S.C. § 119. A certified copy

☐ is enclosed or ☒ is on file in the prior application.

9. ☒ Enclosed is an Information Disclosure Statement and Form PTO-1449.

10. ☒ Enclosed is a substitute paper copy of the Sequence Listing, and a Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-1.825. Both of these documents were filed in prior Application No. 09/763,590. Also, the paper copy of the Sequence Listing corresponds with the computer-readable form of the Sequence Listing filed on June 5, 2001, in prior Application No. 09/763,590. **Please use the computer-readable form of the Sequence Listing filed on June 5, 2001, in prior Application No. 09/763,590, as the computer-readable form of the Sequence Listing in this application.**

11. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No.

28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; Roger D. Taylor, Reg. No. 28,992; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanhon Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33, 921; James B. Monroe, Reg. No. 33,971; Doris Johnson Hines, Reg. No. 34,629; Lori Ann Johnson, Reg. No. 34,498; R. Bruce Bower, Reg. No. 37,099; John Rissman, Reg. No. 33,764; Therese A. Hendricks, Reg. No. 30,389; Leslie I. Bookoff, Reg. No. 38,084; Michele C. Bosch, Reg. No. 40,524; Michael J. Flibbert, Reg. No. 33,234; Scott A. Herbst, Reg. No. 35,189; Leslie A. McDonell, Reg. No. 34,872; Thalia V. Warnement, Reg. No. 39,064; Ronald A. Bleeker, Reg. No. 27,773; Kathleen A. Daley, Reg. No. 36,116; C. Gregory Gramenopoulos, Reg. No. 36,532; Anthony M. Gutowski, Reg. No. 38,742; Yitai Hu, Reg. No. 40,653; Lionel M. Lavenue, Reg. No. 46,859; Christine E. Lehman, Reg. No. 38,535; Patrick J. Coyne, Reg. No. 31,821; F. Leslie Bessinger, III, Reg. No. 39,108; Houtan K. Esfahani, Reg. No. 41,893; Esther H. Lim, Reg. No. 41,994; Michael A. Morin, Reg. No. 40,734; and Erik R. Puknys, Reg. No. 40,132.


12. ☒ The power appears in the original declaration of the prior application.
13. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852.**

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in parent Application No. 09/763,590, filed February 26, 2001, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge

necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 9, 2004

By: 
M. Todd Rands
Reg. No. 46,249

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Kazunari TAIRA *et al.*)
) Prior Group Art Unit: 1635
Application No.: To be assigned)
(Divisional of Application No.) Prior Examiner: K. Lacourciere
09/763,590))
)
Filed: April 9, 2004)
)
For: EXPRESSION SYSTEMS FOR)
TRANSCRIPTION OF)
FUNCTIONAL NUCLEIC ACID)

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUBMISSION OF REPLACEMENT DRAWINGS

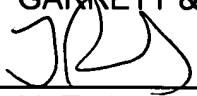
Subject to the approval of the Examiner, please replace the drawings in this application with the 7 sheets of drawings filed herewith (Figures 1-7). These drawings were submitted as the final formal drawings in allowed parent Application No. 09/763,590. If the replacement drawings for any reason are not in full compliance with the pertinent statutes and regulations, please so advise the undersigned.

If there is any fee due in connection with the filing of this Submission, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 9, 2004

By: 
M. Todd Rands
Reg. No. 46,249